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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/544,202	04/07/2000	Yoshiyuki Shitaya	VX002115	2192
7590	09/20/2005		EXAMINER	
VARNDELL & VARNDELL, PLLC 106-A SOUTH COLUMBUS STREET ALEXANDRIA, VA 22314			MOORE, IAN N	
			ART UNIT	PAPER NUMBER
			2661	

DATE MAILED: 09/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/544,202	SHITAYA, YOSHIYUKI
	Examiner Ian N. Moore	Art Unit 2661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 24 May 2005.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 7-9 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 7-9 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
Paper No(s)/Mail Date _____ .	6) <input type="checkbox"/> Other: _____ .

DETAILED ACTION

Specification

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: **Construction Machine using the method of controlling communication among electronic devices**

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 7-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Sonehara (US005555171A).

Regarding claims 7, 8 and 9, Sonehara discloses a construction machine (see col. 1, line 7, 12; 24-25; construction machine; also see FIG. 1), which comprises: first and second electronic devices (see FIG. 1, Monitor Panel controller 1, Pump Controller 2, Governor Controller 3, Valve controller 4, controller m-n) being arranged within the construction machine and including devices for monitoring the construction machine (see FIG. 1, Monitoring Panel Controller 1), controlling the construction machine (see FIG. 1, Pump Controller 2, Governor Controller 3, Valve controller 4, controller m-n), or displaying information about the construction machine (see FIG. 1, Monitoring Panel Controller 1); see col.

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3, line 6 to col. 4, line 35; the first and second electronic devices respectively using at least one of different first and second communication protocols (see FIG. 6 a-b and see FIG. 7, protocols of frame signals; see col. 2, line 54-56);

a multiplex transmission serial communication line (see FIG. 1, serial signal line/bus 19) connecting the first and second electronic devices (see FIG. 1, Monitor Panel controller 1, Pump Controller 2, Governor Controller 3, Valve controller 4, controller m-n), the serial communication line supporting the at least one of different first and second communication protocols (see col. 2, line 54-56; see col. 4, line 36 to col. 5, line 26); and

an electronic circuit (see FIG. 1, a circuit within Monitor Panel controller 1, Pump Controller 2, Governor Controller 3, Valve controller 4, or controller m-n), which allocates a first frame format (see FIG. 6a, signal P; also see FIG. 7 a) to the first communication protocol of the first electronic device (see FIG. 6a, first protocol signal P for master controller (e.g. Monitor panel controller)); see col. 4, line 52-67; see col. 5, line 10-67) and a second frame format (see FIG. 6b, signal D; see FIG. 7b-d) to the second communication protocol of the second electronic device (see FIG. 6b, second protocol signal D for slave controller (e.g. one of the other controller)); see col. 4, line 52-59; see col. 5, line 1-67), the first and second frame formats having a different header length (see FIG. 6a-b, protocol frame P and D header has different lengths; also FIG. 7 a-D, headers also have the different lengths; see col. 4, line 60 to col. 5, line 67), and which identifies the first and second communication protocols communicating on the multiplex transmission serial communication line by the different header lengths of the first and second frame formats (see col. 4, line 60 to col. 5, line 67; different header lengths), thereby enabling coexistence of communications among the electronic devices by a plurality of different

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communication protocols on the multiplex transmission serial communication line including the at least one of different first and second communication protocols (see col. 4, line 60 to col. 5, line 67; enabling the communications with different protocol signals between master and slave controllers over the bus/line 19).

Response to Arguments

4. Applicant's arguments with respect to new claim 7-9 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ian N. Moore whose telephone number is 571-272-3085. The examiner can normally be reached on 9:00 AM- 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen can be reached on 571-272-3126. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

INM
JNM
9/16/05

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TECHNOLOGY CENTER 2600